

SERVICE DATE - NOVEMBER 21, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-573X<sup>1</sup>

TRINIDAD RAILWAY, INC.--ABANDONMENT EXEMPTION--  
IN LAS ANIMAS COUNTY, CO

Decided: November 20, 2000

Trinidad Railway, Inc. (Trinidad) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Trackage Rights for Trinidad to abandon and The Burlington Northern and Santa Fe Railway Company and Union Pacific Railroad Company to discontinue trackage rights over an approximately 30.0-mile line of railroad from milepost 2.0 at Jensen (west of Trinidad), to the end of the line at the former New Elk Mine at milepost 30.0 (east of Stonewall), in Las Animas County, CO. Notice of the exemption was served and published in the Federal Register on September 21, 2000 (65 FR 57239-40). Under 49 CFR 1152.50(d)(3), the exemption was scheduled to become effective October 21, 2000, but a formal expression of intent to file an offer of financial assistance (OFA) was timely filed by Rail Ventures, Inc. (Rail Ventures), to purchase the entire line, which stayed the effective date of the exemption until October 31, 2000. Rail Ventures also requested Trinidad to provide the financial data and information prescribed in 49 CFR 1152.27(a). On October 17, 2000, Rail Ventures filed a request to toll the 30-day period for submitting its OFA in accordance with 49 CFR 1152.27(c)(2)(ii)(D). By decision served October 20, 2000, Trinidad was directed to provide Rail Ventures with the requested information to enable Rail Ventures to file an OFA, Rail Ventures was granted an extension until November 20, 2000, to file its OFA, and the effective date of the exemption was further postponed until November 30, 2000.

On November 17, 2000, Rail Ventures filed a request to toll for an additional 30 days the time to file its OFA. Rail Ventures states that it received the required information on November 15, 2000, and that the additional time is needed to prepare its OFA.

On November 17, 2000, Kern Valley Railroad Company (KVR) filed a petition for leave to intervene in this proceeding and a reply to Rail Ventures' petition to toll. KVR states that it

---

<sup>1</sup> Decisions issued in this proceeding on September 1, 2000, and September 21, 2000, also embraced STB Docket No. AB-6 (Sub-No. 388X), The Burlington Northern and Santa Fe Railway Company--Discontinuance of Trackage Rights Exemption--in Las Animas County, CO, and STB Docket No. AB-33 (Sub-No. 160X), Union Pacific Railroad Company--Discontinuance of Trackage Rights Exemption--in Las Animas County, CO.

has acquired the assets of Trinidad.<sup>2</sup> KVR argues that the request to toll should be denied, maintaining that the required data were provided to Rail Ventures on November 14, 2000, and that Rail Ventures had sufficient time to submit its OFA.

Under the circumstances, an extension of the OFA filing deadline is warranted, but Rail Ventures has not shown that it needs 30 additional days. The OFA filing date will be extended by 15 days to December 5, 2000, and the effective date of the exemption will be postponed until December 15, 2000.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The petition for leave to intervene is granted and KVR's reply is accepted into the record in this proceeding.
2. The time period for Rail Ventures to file an OFA is extended until December 5, 2000.
3. The effective date of the exemption is further postponed to December 15, 2000.
4. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

---

<sup>2</sup> KVR's acquisition of the involved line is the subject of a notice of exemption in Kern Valley Railroad Company--Acquisition and Operation Exemption--Trinidad Railway, Inc., STB Finance Docket No. 33956.